IN THE HIGH COURT OF JUDICATURE
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE J.CHELAMESWAR
and
THE HON'BLE MR JUSTICE D.APPA RAO

WRIT PETITION NO:25609 of 2006

Dated:8th December 2006.

Between:
Golla Satyanarayana, S/o Venkaiah, Khammam District.

..... PETITIONER

AND

The Regional Transport Officer, Khamman and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE J.CHELAMESWAR
AND
THE HON'BLE SRI JUSTICE G.BHAVANI PRASAD

WRIT PETITION NO:25609 of 2006

ORAL ORDER:
(Per the Hon'ble Sri Justice J.Chelameswar)

The petitioner is the registered owner of the tractor bearing No.AP-26-U-313 along with a trailor bearing No. AP-24-U-4018. The vehicle was checked and seized by the Motor Vehicle Inspector, Khammam on 07-10-2006. The relevant portion of the check report reads as follows:

> " Stopped and checked the above mentioned T& T vehicle while it was proceeding from Anantagiri to Koratlagudem with a load of metal found and as per the statement of driver/owner, the metal was being transported for the construction of house of the owner. Without R.C., Tax Token, not produced,. As such no evidence of tax for the period upto Q.E. 31-12-2006 (2) Permit, F.C., I.U., PUC not produced.
>
> Hence seized the above vehicle is seized U/Sec.8 of APMVT Act, 1963 and U/Sec. 207 of M.V.Act, 1988 and kept at P.S.Mudigonda for safe custody."

Hence, the present writ petition is filed with the prayer as follows:

> " For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue Writ Order or Direction more particularly one in the nature of WRIT OF MANDAMUS, declaring the vehicle Check Report No.2567234 dt.7-10-2006 issued seizing the Tractor bearing No. AP-26-U-313 along with the Trailor bearing No.AP-24-U-4018 as illegal, unreasonable, arbitrary, improper and further direct the respondents to release the Tractor & Trailor forthwith, and to grant such other relief or reliefs as this

Hon'ble Court deems fit and proper in the circumstances of the case."

Heard the learned Government Pleader for Transport.

In the circumstances, we deem it appropriate to dispose of the writ petition directing the respondents to release the abovementioned tractor and trailor on condition of the petitioner paying the tax as determined by the 2nd respondent herein. However, it is open for the respondents to conduct an enquiry regarding the alleged violations of law indicated in the vehicle check report mentioned above and take appropriate action in accordance with law.

Accordingly, with the above directions, the writ petition is disposed of at the stage of admission.

J.Chelameswar, J

G.Bhavani Prasad, J

Note:
Issue wire at party's cost.
(bo)
mrk
8th December 2006